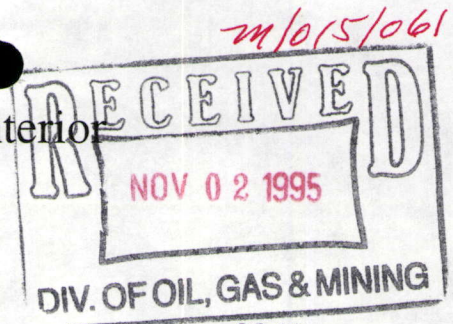




United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
San Rafael Resource Area
125 South 600 West
Price, Utah 84501



6840pw
3809
(UTU-69862)
(UT-067)

OCT 30 1995

Neal Mortensen
Western Clay Company
508 East Center
Richfield, Utah 84620

Dear Mr. Mortenson:

On October 5, our wildlife biologist visited the Last Chance bentonite mine at NE 1/4 Sec 7, NW 1/4 Sec 8, T. 25 S., R. 6 E., Emery County, Utah. He noticed that the mine boundary had been staked about 80 feet north of the original flagged boundary. Review of your application indicated that you had applied for this area, but because of the difference in flagging we had not inventoried this area for cactus. Previous inventories on this area have found a large concentration of the Federally proposed endangered Pediocactus winkleri cactuses on the bench on the north end of your mining area between the access road and the bentonite hill.

This area was not included in the Section 7 Conference completed on the mine plan with the U. S. Fish and Wildlife Service (FWS). The Section 7 Conference is required by the Endangered Species Act. The conference evaluated the loss of 18 to 30 cactuses over the other area. Any loss of pediocatus in excess of 30 plants would require a Section 7 Conference with FWS. Disturbance of this area would remove an estimated 50 additional cactuses. This would exceed the original amount approved in the Section 7 Conference conducted with the FWS. We would request that you do not disturb this area until a cactus inventory and Section 7 Conference can be completed.

As you are aware, the area cannot be inventoried until the cactuses bloom, sometime in mid April. The Section 7 Conference would be initiated in March and would be completed some time in August. We would suggest that unless you need this land for mineral extraction/operations it be dropped from your mining plan. You could add acreage to the west end of the existing area to compensate for the land removed on the north side. Either action would require a plan amendment and an inventory.

Our office would like to set up a field visit with a representative from your office to outline the area in question and to discuss the possibility of removing this area from the mine plan. You may contact Wayne Ludington or Neil Simmons at 636-3600 to set up a date at your convenience.

Sincerely,

PENELOPE J. DUNN

Area Manager

cc: Bryant Anderson
Emery County Planning and Zoning
P.O. Box 297
Castle Dale, Utah 84513

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Division of Water Quality
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